

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ARTHUR RAY GARNER,
(TDCJ-CID # 1347226)
Plaintiff,

vs.

NATHANIEL QUARTERMAN,
Defendant.

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CIVIL ACTION H-09-2866

MEMORANDUM AND OPINION

The plaintiff, a state prisoner, filed this action under 42 U.S.C. § 1983 for civil rights violations. On September 23, 2009, this court entered an Order Regarding Motion to Proceed *In Forma Pauperis*, in which the plaintiff was ordered to pay the \$350.00 filing fee in installments when funds were available. (Docket Entry No. 5). The court's order advised the plaintiff that he could complete the attached Motion for Voluntary Dismissal if he did not wish to pay the filing fee. The plaintiff completed and signed the Motion for Voluntary Dismissal, (Docket Entry No. 10), which was filed on December 10, 2009.

Plaintiff's Motion for Voluntary Dismissal, (Docket Entry No. 10), is granted. This action is dismissed without prejudice. FED. R. CIV. P. 41(a)(2). Any and all remaining pending motions are denied as moot. No further withdrawals will be made from the prison trust fund account of Arthur Ray Garner, TDCJ No. 1347226, to collect filing fees in this case.

The Clerk will mail a copy of this Order to the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, and TDCJ Office of the General Counsel, P.O. Box 13084, Austin, Texas 78711.

SIGNED on December 15, 2009, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
United States District Judge